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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11
12 DAPHNE P. RAND, by and through
13 DEBRA L. DOLCH, as Conservator of
14 the Person and Estate of DAPHNE P.
15 RAND, Conservatee, on Behalf of
16 Themselves and All Others Similarly
17 Situated,

Plaintiff,

v.

18 AMERICAN NATIONAL
19 INSURANCE COMPANY, a Texas
20 corporation,

Defendant.

) Case No. CV 09-0639-SI

) [CIVIL ACTION]

) ~~[PROPOSED]~~ FINAL JUDGMENT

21
22 **FINAL JUDGMENT**

23
24 Based upon and subject to the class-wide settlement approved by the Court
25 in this Action, ("Settlement", consisting of the Settlement Agreement, Docket No.
26 182), and the Final Order: (1) Approving Class Action Settlement, (2) Awarding
27 Class Counsel Fees and Expenses, (3) Awarding Class Representative Service
28

1 Award, and (4) Dismissing Action with Prejudice approving said settlement,
 2 (“Final Order”, ~~Docket No. _____~~).

3 **IT IS HEREBY ORDERED AND ADJUDGED** that this case is
 4 dismissed, with prejudice on the merits, and that plaintiff Daphne P. Rand, by and
 5 through Debra L. Dolch, as Conservator of the Person and Estate of Daphne P.
 6 Rand, Conservatee, individually and on behalf of the Class (as defined below)
 7 recover nothing, and that no award of attorneys’ fees, costs or expenses be made,
 8 other than as provided in the Settlement (Docket No. 182) and the Final Order
 9 (~~Docket No. _____~~).

10
 11 The certified class bound by this Final Judgment (“Class”) includes only the
 12 following persons:

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 14 Any entity, trust or natural person who is an Owner of an Annuity that
 15 was, purchased by a resident of, and/or issued within, the State of
 16 California between the period from January 1, 2002 to and including
 17 December 31, 2010 and was an Active Annuity or an Annuitized
 18 Annuity at any time on or after February 9, 2005; except that, Class
 19 does not include an entity, trust or person (a) who is or was an Owner
 20 of an Annuity (i) that was issued but not accepted or was returned to
 21 the Company as part of the exercise of the free-look provision in the
 22 Annuity or was otherwise rescinded, (ii) that validly and timely
 23 requests an exclusion from the Class or; (b) who signed a document
 24 that released American National from claims that are or would be
 25 Released Claims; (c) whose rights and claims respecting the Annuity
 26 have been finally adjudicated in a court of law; (d) who is or was a
 27 member of the Board of Directors, an officer, shareholder or
 28

1 employee of American National at any time between January 1, 2002
2 and December 31, 2010, as well as the affiliates, legal representatives,
3 attorneys, successors, or assigns of American National; (e) who is a
4 judge, justice, or judicial official presiding over the Action or is with
5 the staff or immediate family of such judge, justice or official; or (f)
6 who is a person or entity hired to administer the terms of the
7 Agreement.
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9 This Final Judgment ends the above-captioned litigation on the merits for all
10 claims and all parties.
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14 Dated this 22 day of Sept, 2011.
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The Honorable Susan Illston
Judge of the U.S. District Court